



61 SOUTH PARAMUS ROAD, SUITE 250
PARAMUS, NEW JERSEY 07652

NEW JERSEY
NEW YORK

TELEPHONE: (201) 928-1100
TELEFAX: (201) 928-0588
WWW.DECOTIISLAW.COM

ALEXANDER HEMSLEY, III, ESQ.
AHEMSLEY@DECOTIISLAW.COM
201.907.5235

February 21, 2024

Via CM/ECF

Hon. José R. Almonte, U.S.M.J.
United States District Court – District of New Jersey
Frank R. Lautenberg U.S. Post Office & Courthouse Building
2 Federal Square
Newark, NJ 07102

**Re: International Union of Operating Engineers, Local 825 v. International
Longshoremen's Association, et al.
Civil Action No. 2:23-cv-03689-EP-JRA**

Dear Judge Almonte:

We represent Plaintiff in this matter. Pursuant to the Court's October 16, 2023 Text Order, we now write on behalf of all parties, to provide the Court with an update concerning the status of this case.

As the Court will recall, the parties are presently permitted to “engage in written (or paper) fact discovery only.” Towards that end – and in accordance with the Scheduling Orders that have been entered by the Court in this matter – the parties exchanged their initial written discovery requests upon one another on November 16, 2023, and served their respective responses to those discovery requests on January 31, 2024. Presently, Plaintiff is completing its review of Defendants' responses. Based upon the review that has been conducted, it is Plaintiff's position that certain responses are deficient. Therefore, Plaintiff will be sending a letter to Defendants within the next seven (7) days, identifying the deficiencies and requesting that same be corrected. Defendants, in turn, have completed their review of Plaintiff's responses and have provided a letter on February 21, 2024 outlining the deficiencies they find in Plaintiff's responses. In accordance with L.Civ.R. 16.1, L.Civ.R. 37.1, and Paragraph 4(a) of the Court's Case Management Order, the parties will meet and confer in good faith to resolve any discovery disputes prior to raising those disputes with the Court. If the parties are unable to resolve those disputes, then those disputes will be brought to the Court's attention by or before the March 18, 2024 deadline set by the Court for raising such disputes.¹

¹ See December 15, 2023 First Amended Scheduling Order at ¶4 (ECF Entry No. 31).

Additionally, Plaintiff is engaging in third-party “paper” discovery. Specifically, on February 21, 2024, Plaintiff issued two separate third-party subpoenas, seeking the production of, *inter alia*, certain documents and electronically stored information. These subpoenas are presently returnable on March 15, 2024. Plaintiff anticipates serving at least three additional third-party subpoenas seeking the production of documents and electronically stored information. Defendants likewise intend to serve at least two separate third-party subpoenas, seeking the production of, *inter alia*, certain documents and electronically stored information.

We thank the Court for its attention to this matter and look forward to further discussing this case with the Court during the February 28, 2024 telephonic status conference.

Respectfully submitted,
DeCotiis, FitzPatrick, Cole & Giblin, LLP

By: _____

Alexander Hemsley, III, Esq.

AH/

cc: All counsel of record (via CM/ECF)